



AN ORDINANCE

*H. Shook*

BY COUNCILMEMBER HOWARD SHOOK

**AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO PROVIDE THAT A CERTAIN SUBDIVISION SD-05-13 (654 TIMM VALLEY ROAD) APPLICANT DEPOSIT A DOLLAR AMOUNT (\$2,250.00) EQUAL TO THE VALUE OF THE REQUIRED SIDEWALK AND CURBING CONSTRUCTION INTO THE DESIGNATED TRUST FUND ACCOUNT FOR DISTRICT 7; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to the application for the subdivision of land submitted by the developer, in compliance with the provisions of Section 15-09.003 to provide sidewalks on both sides of existing as well as proposed streets; and

**WHEREAS**, the construction of 401.4 square foot of sidewalk and 80.3 square foot of curbing along the frontage of this Subdivision SD-05-13 (654 Timm Valley Road) would adversely affect the appearance and character of the neighborhood due to the lack of any existing sidewalks on the streets that contain the proposed subdivided lots to which the sidewalks could connect; and

**WHEREAS**, the City and area residents would be better served by the construction of sidewalks and pedestrian improvements in other areas of said subdivision with in District 7.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:** The requirements of Section 15-09.003 of the City of Atlanta Code of Ordinance, which requires that application for subdivision of land provide sidewalk is hereby waived for Subdivision SD-05-13 (654 Timm Valley Road).

**SECTION 2:** That the waiver of said requirements for the aforementioned application is conditioned upon the agreement of the applicant to pay the City of Atlanta a dollar amount (\$2,250) equal to the value of construction of 401.4 square foot of sidewalk and 80.3 square foot of curbing as required by Section 15-09.003 and as determined by the Commissioner of Department of Public Works.

**SECTION 3:** That before the Director of Bureau of Building issues any building permit for construction within the subdivision sited above, said funds shall be deposited in Trust Fund Account 3P02 424101 Y63T19029999, to be used for pedestrian improvements and sidewalk construction only in Council District 7.

**SECTION 4:** That all other requirements of the Code of Ordinances for the subdivisions sited above shall remain in full force and effect.

**SECTION 5:** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.

A true copy

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

June 20, 2005

June 29, 2005

RCS# 6751  
6/20/05  
3:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 4-21 05-R-1086 05-R-1084  
05-O-0972 05-R-1093 05-O-0906 05-R-0905  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

#24

05-0-1076  
(Do Not Write Above This Line)

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ADOPTED BY

JUN 20 2005

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 6/6/05  
Referred To: City Utilities  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading  
Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee 1st Reading  
Date 6/14/2005  
Chair Howard Shook

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members  
Refer To

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JUN 20 2005

CERTIFIED  
JUN 20 2005  
Randy Blandin  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 29 2005  
WITHOUT SIGNATURE  
BY OPERATION OF LAW